

# Pre-Webinar Live Demonstration

## 1:30 p.m. ET

*Michelle Duhart-Tonge*

*OJJDP National Training and Technical Assistance Center*

For problems during the Webinar, call PGI Technical Support  
at 888-569-3848.

# ***Welcome! We will begin at 2 p.m. ET***

***(1 p.m. CT; 12 p.m. MT; 11 a.m. PT; 9 a.m. HT; 5 a.m. Guam/MP )***

- Public attendees will be able to listen and view the Webinar as observers but will not actively participate.
- FACJJ members:
  - To ask a question or participate in the discussion during the session, use the chat tool to send a message to Jim Moeser, FACJJ Chair.
  - Instead of using “hold,” use \*6 to mute your phone and \*6 again to un-mute. Where possible, please do not put your phone on speaker.
  - Turn off your computer speakers to prevent feedback.
  - At the end of the session, you will receive an e-mail with a link to an evaluation.

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# **Federal Advisory Committee on Juvenile Justice (FACJJ) Webinar**

**February 7, 2014**



# **Welcome to the FACJJ Webinar**

*Opening Remarks and Introductions*

*Kathi Grasso*

Designated Federal Official  
OJJDP

*Webinar Logistics*

*Michelle Duhart-Tonge*

NTTAC

# Welcome to the FACJJ Webinar

*James Moeser*  
FACJJ Chair

*Dalene Dutton*  
FACJJ Vice Chair

# Welcome to the FACJJ Webinar

*Meeting Opening*

***Kathi Grasso***

***Welcome***

***Introductions***

***Michelle Duhart-Tonge (Webinar logistics)***



# Welcome to the FACJJ Webinar

*Live Demonstration of Webinar Features*

*Michelle Duhart-Tonge*



# Welcome to the FACJJ Webinar

## *Reminder of Webinar Logistics*

For any *technical* problems during the Webinar, call PGI Technical Support at 888-569-3848.

### For FACJJ Only:

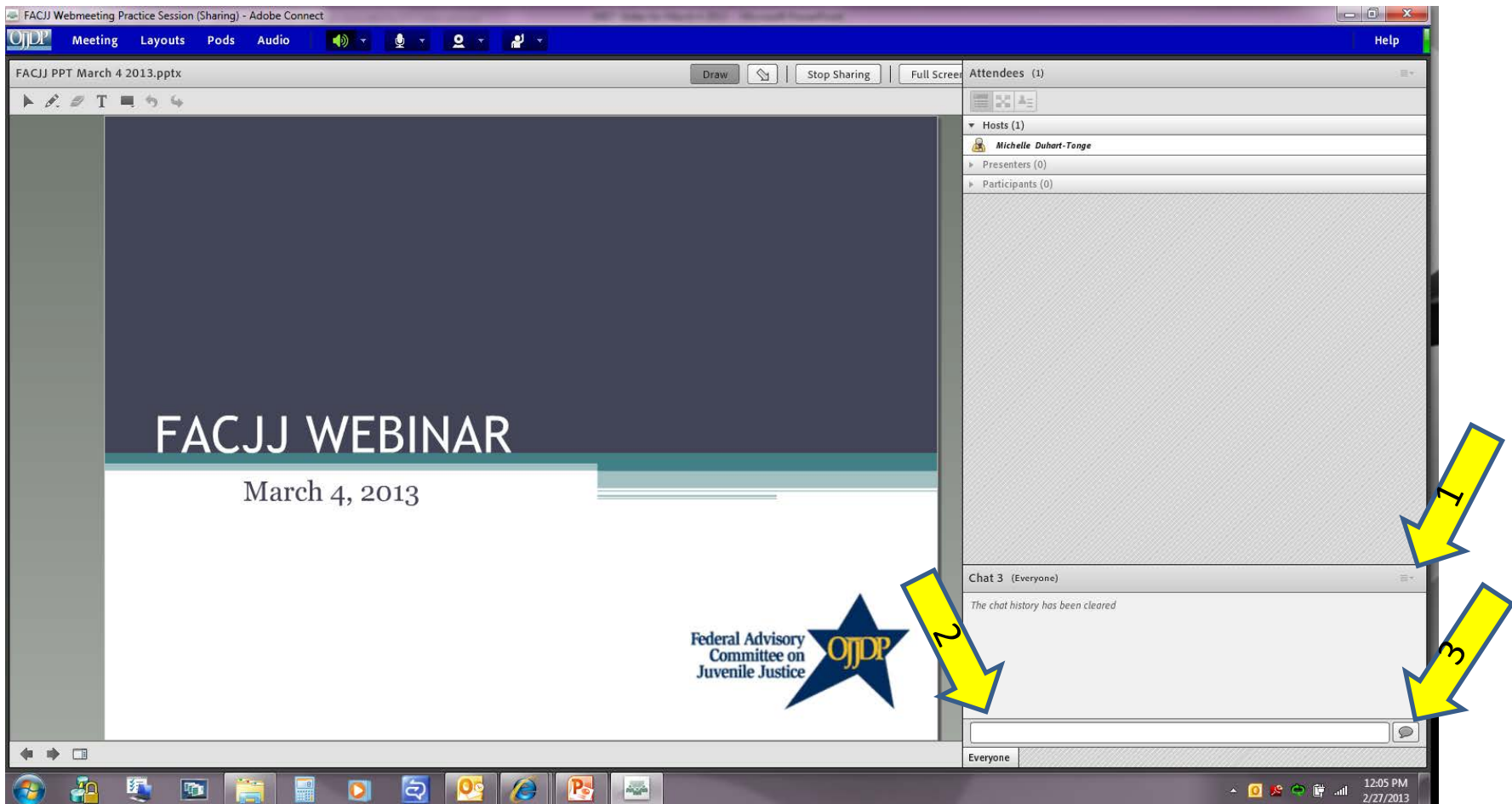
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# Welcome to the FACJJ Webinar

*Meeting Opening*

*James Moeser*

*Welcome*

*Review of Agenda*

*Roll Call*



Federal Advisory  
Committee on  
Juvenile Justice



# Welcome to the FACJJ Webinar

## *Review of Today's Agenda*

### **Agenda**

**2:00-2:20 pm**

**Opening Remarks**

Meeting Opening/Webinar Logistics

Welcome from FACJJ Chair James Moeser

Remarks from FACJJ Vice-Chair Dalene Dutton

Questions/Comments

**2:20-2:30 pm**

**Remarks from Robert Listenbee, OJJDP Administrator**

**2:30-3:30 pm**

**The Supportive School Discipline Initiative**

**Presentation by Jaime Koppel, OJJDP Fellow**

FACJJ Member Discussion

# **Welcome to the FACJJ Webinar**

## *Review of Today's Agenda (cont'd)*

**3:30-4:30**

**NAS Report “Reforming Juvenile Justice: A Developmental Approach: Implications for Federal and State Programs, Policy and Practice”**

**Presentation by Arlene Lee, Director, Committee on Law and Justice, The National Academies**

FACJJ Member Discussion

**4:30-4:50 pm**

**Future Role of FACJJ**

**4:50-5:00 pm**

**Summary, Next Steps, and Meeting Adjournment**

# Welcome to the FACJJ Webinar

## *FACJJ Members*

### **Primary**

Dalene Dutton, ME

ViEve Martin-Kohrs, LA

Raquel Montoya-Lewis, WA

James Moeser, WI

Christine Perra Rapillo, CT

Reginald Robinson, KS

George Timberlake, IL

Tony Jones, FL

Kenya Lee, MD

Robin Lubitz, AZ

Claudio Norita, MP

Haley Reimbold, NY

Symone Sanders, NE

### **Alternate**

Aileen Jo Artero, Guam

Richard Broderick, OH

Liz Mueller, WA

John Roe, IV, IL

Pat Berckman, UT

Martha Doyle, OR

Pili J. Robinson, MO

Linda Whittington, MS

# Welcome to the FACJJ Webinar

## *Meeting Opening*

***Dalene Dutton***

***Remarks***



***Robert L. Listenbee, Jr.***  
***OJJDP Administrator***  
***Remarks***  
***Questions***



***Jaime Koppel, MPA***  
***Senior Fellow***  
***Presenter***







# **Keeping Kids in Class and Out of Court:** *Supportive School Discipline Initiative*

**February 2014**

# **Supportive School Discipline Initiative**

Background

Structure, Staffing, and Partnerships

Activities and Status

Next Steps

Q/A

# Background

- May 2011 - *Breaking Schools' Rules* report previewed at Council (60% & 97%)
- July 2011 - AG/Sec'y Duncan announce SSDI, WG at Council meeting
- Philanthropies embrace coordination with federal government

# Background

Breaking Schools' Rules: A CSG TX Study (released 7/19/11)

- **60% of students disciplined\* at least once**
  - 97% for non serious/non mandatory behaviors
  - 15% were disciplined 11+ times
- **Discipline applied disproportionately:**
  - 75% black vs. 47% white
  - 75% SED vs. 55% non-SED students
- **Of those disciplined:**
  - 23% had JJ system contact (overall 14%)
  - 31% repeated grade
  - 10% dropped out
- **Discipline outcomes varied widely across schools/districts with same policies**

\*In/out of school suspension, expulsions, referrals to law enforcement

# Structure, Staffing, and Partnerships

- Co-led by Departments of Justice, Education
- Working group (ED, DOJ, HHS, DOL)
- Philanthropies
- Other Key Stakeholders

# Activities and Status

1. Support consensus recommendations report.
2. Enhance/coordinate research and data collections.
3. Issue civil rights, best practices, FERPA guidance.
4. Build capacity among stakeholders.

# Activities and Status: Consensus Report

- \$840 K to CSG for report development through JJ cooperative agreement
- Advisory/writing committees: LE, courts, school climate, behavioral health
- Report completion Spring 2014

# Activities and Status: Research and Data

- Reinvigorated Civil Rights Data Collection
  - Includes district level discipline, referral measures
  - 2012 release posted to user-friendly web portal
  - 2014 release now universal
- Incentives to research school discipline practice
  - \$1.5 M in OJJDP FIRE grants
  - Education research grants



# Activities and Status: Guidance

- Guidance package (<http://www.ed.gov/school-discipline>)
  - Legal guidance for school counsel, administrators
  - Principles for reform: best practice guidance for educators
  - Federal school discipline/climate resources
  - Compendium of state laws, regulations
- FERPA myth buster  
(<http://csgjusticecenter.org/wp-content/uploads/2013/06/Student-Records.pdf>)

## Activities and Status: Build Capacity

- 2012 National Leadership Summit
- SSD Community of Practice
- NCJFCJ School Pathways project: demo sites, TOT & evaluation
- Coordinated TA to jurisdictions under settlement agreements
- Webinar series, 2013 and continuing in 2014

# Activities and Status: Build Capacity

- Interactive toolkit from SAMHSA: [www.Promoteprevent.org](http://www.Promoteprevent.org)
- Integration into grant-making
  - Race to the Top-District, Center on Great Teachers and Leaders
  - \$1 M for PBIS in 10 National Forum sites
  - COPS award to develop model, standards of practice for school resource officers
  - FY 2014 budget appropriations – JJECA, Comprehensive School Safety Initiative.

# Next Steps: Planned and Proposed

## **BUILDING CONSENSUS**

- Policy statement, consistent messaging
- CSG Consensus Report Release

## **RESEARCH and DATA COLLECTION/USE**

- 2014 CRDC release, web
- Align ED/DOJ research agenda

## **GUIDANCE**

- Collateral consequences resource
- FERPA guide for JJ programs
- Follow up on January 2014 guidance

## **BUILDING AWARENESS and CAPACITY**

- SSDCOP summit
- Enhance coordinated TTA
- FY 14 grant program implementation
- Expand training to key actors

# Cross-agency Team Co-Leads

## U.S. Department of Justice

**Robin Delany-Shabazz**

202-307-9963

[Robin.delany-shabazz@usdoj.gov](mailto:Robin.delany-shabazz@usdoj.gov)

**Additional DOJ Contact:**

Jaime Koppel, Senior Fellow

*contact information pending*

## U.S. Department of Education

**Kristen Harper**

202-245-6109

[Kristen.harper@ed.gov](mailto:Kristen.harper@ed.gov)



**Questions submitted during the presentation  
will now be addressed!**

# Poll Question #1



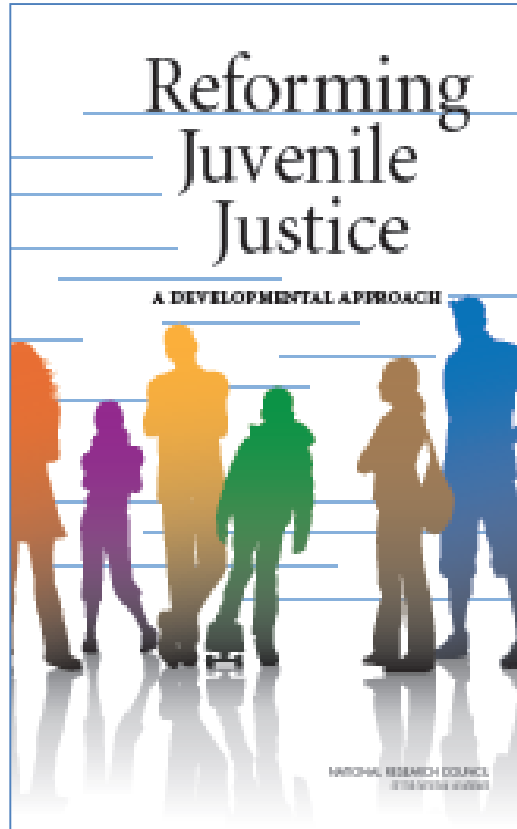
## Poll Question #2





***Arlene Lee, J.D.***  
***Board Director***  
***Committee on Law and Justice, The National Academies***  
***Presenter***





# Reforming Juvenile Justice: A Developmental Approach

Arlene F. Lee, J.D.

Director, Committee on Law and Justice  
National Research Council  
National Academy of Sciences

February 7, 2014

# National Academy of Sciences



- Chartered by Congress in 1863
- Purpose: To advise the government and the nation on critical national issues through objective, scientific, and evidence-based research and analysis

Designed to be independent, balanced, and objective; not an agency of the federal government.

# Committee Process

- Scholarship and stature of Academies' members
- Ability to get the very best to serve *pro bono*, ensuring the breadth and balance of interdisciplinary committee composition
- Quality assurance and control procedures, including a strict peer review process
- Written reports (source of “formal advice”) based on evidence and rigorous analysis, ensuring independence and objectivity

# Assessing Juvenile Justice Committee

## Charge and Composition

- To assess the implications of advances in behavioral and neuroscience research for the field of juvenile justice and the implications of such knowledge for juvenile justice reform.

### **Committee Members:**

- 6 from the social sciences
- 2 physicians
- 3 practitioners
  - Director of state children's services
  - Director of state juvenile corrections
  - Juvenile court judge
- 2 with law/public policy expertise
- 1 neuroscientist

# Overview

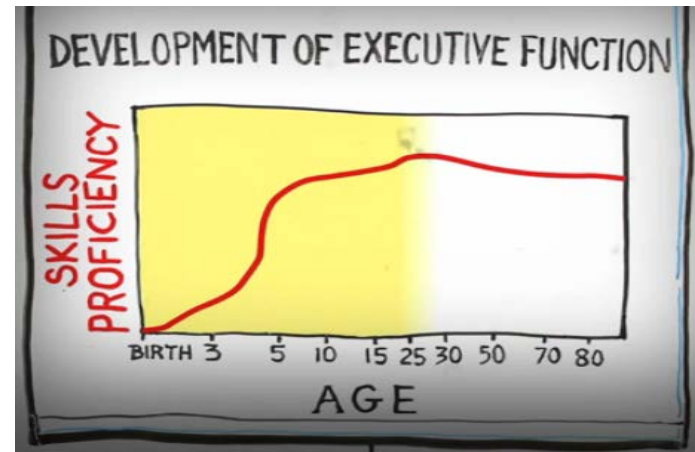
- Major Activities
- Major Conclusions
- The Science
- The Developmental Framework
  - Accountability
  - Fairness
  - Preventing Re-offending
- Considerations
- Phase 2 of the Study
- Questions

# Major Activities

- Held six meetings – three of those included briefings by researchers, practitioners, and representatives of juvenile justice associations
- Meetings with OJJDP leadership and staff
- Preparation of consultant paper on the Missouri model
- In-depth discussions with Annie E. Casey and the MacArthur foundations
- Reviewed OJJDP records on its budgetary and organizational history, program descriptions using available electronic data and web based documents

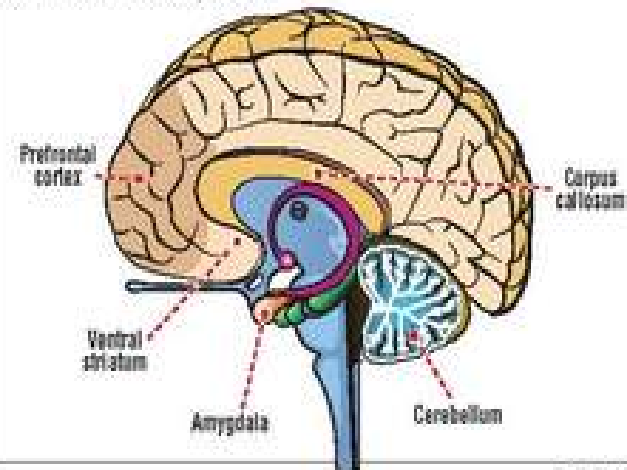
# The Science

- Adolescents differ from adults and/or children in three important ways:
  - Lack mature capacity for self-regulation in emotionally charged contexts
  - Have a heightened sensitivity to proximal external influences such as peer pressure and immediate incentives
  - Show less ability to make judgments and decisions that require future orientation



## THE ADOLESCENT BRAIN

The prefrontal cortex often is called the 'executive brain'! But it is not at peak performance until young adulthood. In the meantime, the ventral striatum region makes teenagers extra sensitive to rewards while the less-active amygdala region leaves them less sensitive to punishment and emotional consequence.





# Executive Function Development

Working Memory	Inhibitory Control	Cognitive Flexibility
Adult: Can remember multiple tasks, rules and strategies that may vary by situation.	Adult: Consistent self control, situationally appropriate responses.	Adult: Able to revise actions and plans in response to changing circumstances.
5-16 Years: Develops ability to search varying locations, remember where something was found, then explore other locations.	10-18 Years: Continues to develop self-control, such as switching attention from central focus (riding a bike) to peripheral stimuli (signs vs. houses).	13-18 Years: Continued improvement in accuracy when switching focus and adapting to changing rules.
3 Years: Can hold in mind two rules at once (e.g., red goes here, blue goes there) and action on the basis of the rules.	4-5 Years: Reductions in perseveration (following a rule after the rule has changed), can delay eating a treat.	2-5 Years: Succeeds at shifting actions according to changing rules (taking off shoes at home, puts on boots for rain).
9 Months: Can execute simple means-to-ends tasks and two-step plans; also able to integrate looking in one place and acting.	8-10 Months: Begins to maintain focus despite distractions during brief delays.	9-11 Months: Develops ability to seek alternative methods to retrieve objects beyond directly reaching for things in view.

Source: Center on the Developing Child at Harvard University (2011). *Building the Brain's "Air Traffic Control" System: How Early Experiences Shape the Development of Executive Function: Working Paper No. 11*. <http://www.developingchild.harvard.edu>

# The Science

The brain determines behavior, but normative development is affected by the interplay between the brain and an adolescent's environment:

- Peers
- Schools
- Communities

All affect the likelihood and seriousness of offending.

# Major Conclusions From the Research

- Being **held accountable** for wrongdoing and **accepting responsibility** in a **fair process** (perceived and real) **promotes healthy moral development and legal socialization.**
- Being held accountable and punished in **an unfair process** (perceived or real) **reinforces social disaffection and antisocial behavior.**
- Predominantly **punitive policies** and programs **do not foster prosocial development or reduce recidivism.**
- **No convincing evidence that confinement of juvenile offenders** beyond a minimum amount required to provide intense services **reduces likelihood of subsequent offending.**
- Pattern of **racial disparities** impede efforts to provide equitable services and **contribute to perceptions of unfairness.**

# What is a Developmental Approach in Juvenile Justice?

A developmental approach to juvenile justice recognizes that illegal acts committed by adolescents occur at a time of life when individuals are more likely to exercise poor judgment, take risks, and pursue thrills and excitement. A juvenile justice system centered on a developmental approach will respond to offending behavior by providing treatment and services that:

1. Have youth focus on ***repairing the social injury*** or damage, understand how the behavior has affected other people, and ***take responsibility*** for their action.
2. Are a diverse array of activities, supports, and opportunities for ***normal growth*** (emotional, physical, intellectual).
3. Are delivered in ***environments that are appropriate*** to the ages and stages of the youth involved, and are conducive to healthy development.

# Goals of a Developmentally Informed Juvenile Justice System:

*Accountability, Fairness, Preventing Re-offending*

## **Accountability**

- Communicate to youth that society expects them to take responsibility for their actions.
- Encourage youth to accept responsibility, consistent with protecting legal rights.
- Facilitate involvement of family members to assist youth to accept responsibility and comply with court obligations.
- Rely on restitution and community service as instruments of accountability for victims and communities.
- Use confinement sparingly to prevent serious offending.
- Avoid collateral consequences of adjudication.
- Promote successful transitions to pro-social adulthood.

# Goals of a Developmentally Informed Juvenile Justice System:

*Accountability, Fairness, Preventing Re-offending*

## **Fairness**

- Ensure that youth are represented throughout the process by properly trained counsel unless the right is voluntarily and intelligently waived by the youth.
- Ensure that youth are adjudicated only if they are competent to understand the proceedings and assist counsel.
- Facilitate participation by youth in all proceedings.
- Intensify efforts to reduce racial/ethnic disparities.
- Ensure that youth perceive that they have been treated fairly and with dignity.
- Implement evidence-based measures for fairness based on legal criteria and perceptions of youth, families, and other participants.

# Goals of a Developmentally Informed Juvenile Justice System:

*Accountability, Fairness, Preventing Re-offending*

## **Preventing Re-offending**

- Use structured risk/need assessments to identify low risk youth who can be handled less formally in community-based settings, to match youth with specialized treatment and to target more intensive and expensive interventions on high risk youth.
- Use clearly specified interventions rooted in knowledge about adolescent development and law abiding behavior.
- Engage the adolescent's family and neighborhood resources to foster pro-social development and law-abiding behavior.
- Eliminate interventions that rigorous evaluation research has shown to be ineffective or harmful.
- Keep accurate data on the interventions and the results.

# Four Main Recommendations

1. Strong Federal Leadership that Promotes and Incentivizes What Works
2. Federal Support and Promotion of Research
3. Data Improvement
4. Bipartisan, Multi-stakeholder State Body with Auspice and Authority to Reform and Oversee the Juvenile Justice System



# Considerations

- **Proportionality:** Punishment should fit the crime; sentences should not be excessive but guided by the harm caused by the offense and the degree of the offender's culpability. Adolescent offenders (as a class) are less culpable than adult offenders because their choices are influenced by factors integral to adolescence as a developmental stage and are strongly shaped by still-developing brain systems.

*“Retribution is not proportional if the law’s most severe penalty is imposed on one whose culpability or blameworthiness is diminished, to a substantial degree, by reason of youth and immaturity.”* - Roper v Simmons, 541 U.S. 1040 (2005), p. 568.

# Considerations

- **Individualization:** Treatment and confinement or jurisdiction and sentencing decisions require careful deliberation of the individual characteristics of the juvenile offender; maturity, needs, circumstances of the individual, his or her role in the offense or past criminal record.
- *Harsh sentences and the lengthy confinement of many youth have harmed their lives and developmental trajectories with little compensatory public safety benefit. The evidence suggests that incarceration likely increased the risk of recidivism for many youth.*

National Research Council. (2012). *Reforming Juvenile Justice: A Developmental Approach*

## **Phase 2 of the Study**

Form an ad hoc committee to identify, assess, and prioritize strategies and policies for OJJDP and, where appropriate, other federal agencies, to implement a reform plan to effectively reform the juvenile justice system building on the recommendations from the report to implement a developmental approach.

# Implementation Issues

## The Federal Role

- Leadership
- Guidance
- Support
- Resources



## The Field

- What To Do?
- What Works?
- How To Do It?
- Research



**Questions submitted during the presentation  
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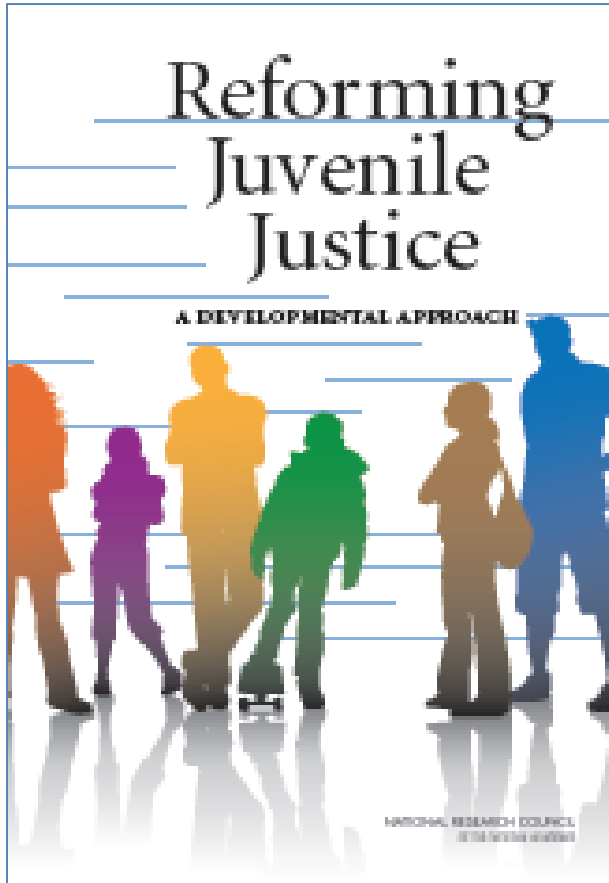
# Poll Question #3



# Discussion Questions

1. If you could make one change that would make the juvenile justice system in your state more developmentally appropriate, what would you do?
2. Have you encountered barriers that have made reform efforts more difficult? Are these at the federal, state, or local level?
3. Over all the years that you've participated, what has OJJDP done particularly well?
4. Are there any changes you would like to see made with regard to how the OJJDP grant funds are allocated or structured?
5. What has been the most useful OJJDP-provided/funded technical assistance, training, or workshop you have attended, and why?
6. What can the field/states do to help OJJDP in its mission to support the juvenile justice system?

Please feel free to email your thoughts to: [dtalimage@nas.edu](mailto:dtalimage@nas.edu) or [alee@nas.edu](mailto:alee@nas.edu)



**Thank You!**

**NATIONAL RESEARCH COUNCIL**

*OF THE NATIONAL ACADEMIES*

For copies of the report: [www.nap.edu](http://www.nap.edu)

For more information: [alee@nas.edu](mailto:alee@nas.edu)



# Future Role of FACJJ

*James Moeser*  
*Chair*



# Future Role of FACJJ

- Option 1 – Clearinghouse
  - Activities/Outcome: Identify and review recommendations for OJJDP/Congressional action made by other national groups, OJJDP, and SAG; submit prioritized recommendations to OJJDP/Congress
- Option 2 – Continue sub-committee work
  - Activities/Outcome: Identify additional ideas and monitor implementation of recommendations approved in December; report to SAGs and other groups what has been done
- Option 3 – Respond to OJJDP
  - Activities/Outcome: OJJDP identifies issues, research priorities, & other activities to get feedback from FACJJ on priorities and implementation
- Option 4 – Some combination of the above
- Option 5 – Suggestions

# When thinking about options:

- Consider:
  - Is the task/issue and outcome within the “ballpark” of OJJDP and/or Congress?
  - What resources do we (as FACJJ, OJJDP) have to accomplish the task?
  - What is a reasonable timeframe for us to achieve the outcomes we want?
  - What is the right balance between achievable and doable?
  - Other?



# Poll Question #4





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will now be addressed!**

# Summary, Next Steps, and Meeting Adjournment

*James Moeser*  
*Chair*



# Webinar Archives



Approximately 45 business days after the Webinar, you can access the slide presentation and meeting summary at

[www.facjj.org](http://www.facjj.org).

# For more information, contact:

Kathi Grasso, DFO

202-616-7567

[kathi.grasso@usdoj.gov](mailto:kathi.grasso@usdoj.gov)

The Office of Juvenile Justice and Delinquency  
Prevention (OJJDP)

<http://www.ojjdp.gov>

OJJDP's National Training and Technical Assistance  
Center (NTTAC)

<http://www.nttac.org>





**FACJJ members only: Please look for an e-mail from Joyce Mosso following this web meeting to respond to an evaluation.**